



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,022	04/26/2005	Thomas Schmidt	502901-335	2198

27799 7590 03/29/2010
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

WEINSTEIN, LEONARD J

ART UNIT	PAPER NUMBER
----------	--------------

3746

MAIL DATE	DELIVERY MODE
-----------	---------------

03/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,022	Applicant(s) SCHMIDT, THOMAS	
	Examiner LEONARD J. WEINSTEIN	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2009 has been entered.

2. The examiner acknowledges the amendments to claim 1 and the introduction of claims 8 and 9.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1, and by dependency claims 2, 4, and 6-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The instant specification does not provide a teaching of how or in what order the components of the plug 7 are formed.

First the examiner notes that figure 3 appears to place a sealing lip 17 outside of the main the plastic coating around the main body of the plug 7. It is unclear both from

Art Unit: 3746

the specification and the applicant's arguments whether the body of the plug is monolithically formed with the sealing lip or a separate element that is attached to the main body. The examiner raises this issue because the applicant has amended the claims to state that a sealing lip is integrally formed with a plug while the plug is being coated. The applicant also argues that the instant invention distinguishes over Uchiyama et al. US 5,942,730 because the lip 27 and the plug 1 of Uchiyama are separate components. Amendment of Feb. 2, 2010, pg. 5. Although the limitations only require the plug and lip to be integrally formed, which does not require them to be a single monolithic body, the applicant's arguments suggest this is what is intended. If the plug and the sealing lip are monolithically formed it would appear that the lip would have to be formed before the plug was coated because the forming of the lip coincides with the forming of the plug itself. In that case in order for there to be support for the limitations as claimed, the plug would have to be disclosed as being formed at the same time it was being coated. The specification does not provide any specific information on how this is or would be accomplished.

On the other hand the lip could be formed on the plug at the same time as when the plug was being coated if it were a separate component that was being attached to the plug. The process of attaching the lip to the plug possibly could occur at the same time the plug was being coated as long as the area being coated was not the same as the area where the lip was being attached at the time of attachment. Again the specification provides no information on a process like this. The specification actually does not provide any information on generally how the lip is produced; therefore it is

Art Unit: 3746

unclear how this unknown process could occur at the same time another manufacturing process was occurring and thus does not teach the subject matter of the limitations of the claim.

5. Claims 8 and 9 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a connection piece configured to conduct fuel therethrough and include a connector for a forward-flow line, does not reasonably provide enablement for a receiving device of a connection piece to be configured to conduct fuel therethrough and include a connector for a forward-flow line. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to build the invention commensurate in scope with these claims. The examiner notes that per the instant disclosure the connection piece 4 includes a recess 14 that receives the edge 13 of the plug 7. There is no flow line through this recess. Even though the body of the connection piece defines the recess, this is not the portion of the connection piece that allows for the fluid flow. The functional aspect of conducting fuel, and the structural feature of a connector for a flow line, cannot be attributed to and claimed as features of a receiving device that corresponds to the recess 14, because these are not features recess 14 possesses. As best understood by the examiner the limitation of "the receiving device" in claims 8 and 9 will be considered to be --- the connection piece --- for the office action on the merits that follows.

Art Unit: 3746

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1, 2, 4, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempfer et al. US 2004/001769 in view of Zoell et al. US 6,478,613.

a. **With respect to claim 1:**

i. Kempfer teaches all the limitations as claimed for a connection a piece 12 for a fuel pump 32 including: a receiving device 48 (see Kempfer figure 4) and a plug 46 arranged in the receiving device 48, the plug 46 having electrical contacts 62 for connecting an electric motor (not shown) of the fuel pump 30 to a mains supply (Kempfer - ¶0017-0018) and an integrally formed, circumferential sealing lip 66 which includes a region that is oriented toward the electrical contacts 62 (the bottom face of the tab defined by element 66 faces and is therefore directed toward element

Art Unit: 3746

62 – or at least a portion thereof) and which seals the plug 46 against the receiving device 48 when fuel is conveyed through the fuel pump 30, the plug 46 integrally formed with the circumferential sealing lip 66 to permit simultaneous production of the integrally formed circumferential sealing lip 66 with a process that produces the plug 46.

ii. Kempfer does not teach the limitations as claimed for a plug that is taught by Zoell for a plug that is extrusion coated with plastic (Zoell – Abstract).

iii. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have coated the plug of Kempfer with plastic as taught by Zoell to protect the parts from the fuel (Zoell - Abstract).

b. **With respect to claims 2, 4, and 7-10**

i. Kempfer teaches all the limitations as claimed for a connection piece for a fuel pump including: **[claim 2]** the sealing lip 66 is arranged on the plug 46 in a region of a bushing 71 of the electrical connectors 62; **[claim 4]** wherein the sealing lip 66 is elastically deformable (66 is a snap connection a portion of which would naturally be at least slightly deformed when a tab 98 engage and moved past it; **[claim 7]** wherein the receiving devices 48 receives and holds the plug 46 by a latching meanings (as the lip 66 and tab 98 provide a latching mechanism); **[claim 8]** wherein the connection piece 12 is configured to conduct fuel therethrough (via

Art Unit: 3746

element 42); **[claim 9]** wherein the connection piece 12 includes a connector 24 for a forward flow line 40; **[claim 10]** wherein the receiving device 48 is configured so that, in an installed state of the connection piece 12 on the fuel pump 30, fuel pressure acts on the plug from one side to press the sealing lip 66 against the connection piece 12).

c. **With respect to claim 6**

i. The combination of Kempfer and Zoell teach the limitations of the claim because Kempfer teaches the limitations: **[claim 6]** wherein the connection piece 12 defines a recess, either of the recess that accommodates element 48 or by construction the recess element 12 provides by accommodating element 48 which defines the recess 84 where the plug 46 is inserted, a portion of the plug 46 that forms an edge 64 around the electrical contacts 62, said recess, here as defined by the recess 84 in element 48 that accepts plug 46, and said circumferential sealing lip 66 surrounds on an inner side of the connection piece 12.

ii. As Kempfer teaches all the structural components of the claim, once the plug 46 of Kempfer was coated as taught by Zoell the edge 64 of Kempfer would have plastic on it and that plastic would be around the electrical contacts 62 because the edges 64 is around elements 62.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is

Art Unit: 3746

(571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746